

AN ORDINANCE

9 8 4 7 4

AUTHORIZING A TWENTY-FIVE YEAR GROUND LEASE AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND TOWER ASSET SUB, INC., A WHOLLY OWNED SUBSIDIARY OF SPECTRASITE COMMUNICATIONS, INC., FOR THE PURPOSE OF CONSTRUCTING, MAINTAINING, SECURING AND OPERATING A COMMUNICATIONS FACILITY AT MEDINA RIVER PARK FOR AN INITIAL ANNUAL AMOUNT OF \$7,300.00 SUBJECT TO ANNUAL ADJUSTMENT, PLUS ADDITIONAL CONSIDERATION FOR RELOCATING EXISTING FACILITIES IN SUPPORT OF THE CITY'S OBLIGATIONS UNDER THE PROJECT STARBRIGHT AGREEMENT.

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WHEREAS, the City of San Antonio ("City"), other governmental entities; various utility providers and the City of San Antonio, Texas, Starbright Industrial Development Corporation (Corporation") have negotiated an agreement with the Toyota Motor Manufacturing North America, Inc. ("Toyota"), under which certain assistance would be provided to Toyota to assist it in the development of a manufacturing or assembly facility in San Antonio; and,

WHEREAS, one portion of that agreement involves the acquisition of certain property and conveyance to Toyota of certain real property after certain site clearing tasks have been accomplished; and,

WHEREAS, SpectraSite Communications, Inc. (SpectraSite), has a long term lease on certain property subject to the Project Starbright Agreement upon which it maintains an existing Communications tower and equipment; and,

WHEREAS, SpectraSite has agreed to relocate its existing facilities in a timely manner to assist the City in completion of the City's obligations under the Project Starbright Agreement in exchange for payment of relocation costs (to be paid by separate agreement between SpectraSite and the City of San Antonio, Texas, Starbright Industrial Development Corporation) and a new lease on nearby property which is owned by the City on terms and conditions equivalent to its preexisting lease; and,

WHEREAS, the proposed use of the property which is the subject, is the only practical and feasible alternative to accomplish the City's needs and is found to be reasonably compatible with the intended uses of the adjacent City property; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

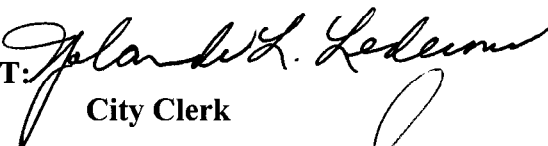
SECTION 1. The twenty-five year lease agreement between the City and Tower Asset Sub, Inc., a wholly owned subsidiary of SpectraSite Communications, Inc., for the use of certain City property described in the attached lease agreement is approved. The City Manager or any designee of the City Manager is authorized to negotiate and execute the final agreement on substantially the terms and conditions set out in the attached draft agreement. If final agreement

is not reached on or before the forty-fifth day after the effective date of this ordinance, then this approval shall terminate.

SECTION 2. This ordinance shall be effective immediately if it receives eight affirmative votes. Otherwise, it shall be effective on November 23, 2003.

PASSED AND APPROVED this the 13th day of November, 2003.


ATTEST:


City Clerk


M A Y O R

EDWARD D. GARZA

APPROVED AS TO FORM:


for City Attorney